

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

JUL 06 2006

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MIKA LEPPINEN

Appeal No. 2006-1633
Application No. 09/435,602

ON BRIEF

Before SAADAT, MACDONALD and HOMERE, Administrative Patent
Judges.

HOMERE, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the final rejection of claims 1 through 12, all of which are pending in this application.

We reverse.

Invention

Appellant's invention relates generally to a method and a system for minimizing data transmission between a mobile station (12) and a gateway server (16). The mobile station (12) initially transmits a request to the gateway server (16) via a wireless application protocol for retrieving content and resource data located on a web server (18). The gateway server (16) in turn transmits the request for information to the web server (18) via a World-Wide Web protocol. Upon determining that the requested information has been relocated, the web server (18) issues a redirection message to the gateway server (16) indicating the new location of another web server where the requested information can be found. Upon receipt of the relocation message, the gateway server (16) subsequently sends another request for the information to the web server (18) and to the other web server at the new location without communicating the redirection message to the mobile station (12). Upon receipt of the requested information, the gateway server (16) transmits the content thereof to the mobile station (12).

Claim 1 is representative of the claimed invention and is reproduced as follows:

1. A method for minimizing data transmission between a mobile station and a gateway server, comprising the steps of:
 - (a) transmitting by a mobile station to a gateway server a request for at least one of content and resource located on a web server using a first protocol;
 - (b) transmitting the request by the gateway server to the web server using a second protocol that is compatible with that used by the web server;
 - (c) receiving a redirection message by the gateway server from the web server, the redirection message indicating a new location of the at least one of content and resource;
 - (d) creating and transmitting by the gateway server to one of the web server and another web server another request for the at least one of content and resource at the new location in response to the redirection message and without communicating the redirection message to the mobile station;
 - (e) receiving by the gateway server the at least one of content and resource from said one of the web server and another web server; and
 - (f) transmitting the at least one of content and resource from the gateway server to the mobile station using the first protocol.

References

The Examiner relies on the following references:

Gupta et al. (Gupta)	6,226,752	May 1, 2001 (Filed May 11, 1999)
Kalpio et al. (Kalpio)	6,343,323	Jan 29, 2002 (Filed Dec. 17, 1998)
Martin et al. (Martin)	6,457,060	Sep. 24, 2002 (Filed Apr. 30, 1998)
Pitts	6,505,241	Jan 7, 2003 (Filed Jun. 3, 1992)

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Rejections At Issue

A. Claims 1, 2 and 5 through 11 stand rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Pitts and Gupta.

B. Claims 3 and 12 stand rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Pitts, Gupta and Kalpio.

C. Claim 4 stands rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Pitts, Gupta and Martin.

Rather than reiterating the arguments of Appellant and the Examiner, the opinion refers to respective details in the Briefs¹ and the Examiner's Answer². Only those arguments actually made by Appellant have been considered in this decision. Arguments that Appellant could have made but choose not to make in the Briefs have not been taken into consideration. See 37 CFR § 41.37(c)(1) (vii) (eff. Sept. 13, 2004).

¹ Appellant filed an Appeal Brief on August 4, 2005. Appellant filed a Reply Brief on December 02, 2005.

² The Examiner mailed an Examiner's Answer on October 05, 2005. The Examiner mailed an office communication January 27, 2006, stating that the Reply Brief as been entered and considered.

OPINION

In reaching our decision in this appeal, we have carefully considered the subject matter on appeal, the Examiner's rejections, the arguments in support of the rejections and the evidence of obviousness relied upon by the Examiner as support for the rejections. We have likewise reviewed and taken into consideration Appellant's arguments set forth in the Briefs along with the Examiner's rationale in support of the rejections and arguments in the rebuttal set forth in the Examiner's Answer.

After full consideration of the record before us, we agree with Appellant that claims 1, 2 and 5 through 11 are not properly rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Pitts and Gupta. We further agree with Appellant that claims 3 and 12 are not properly rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Pitts, Gupta and Kalpio. Additionally, we agree with Appellant that claim 4 is not properly rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Pitts, Gupta and Martin. Accordingly, we reverse the Examiner's rejections of claims 1 through 12 for the reasons set forth **infra**.

I. Under 35 U.S.C. § 103, is the Rejection of Claims 1, 2 and 5 through 11 as Being Unpatentable over the combination of Pitts and Gupta Proper?

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a **prima facie** case of obviousness. **In re Oetiker**, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). **See also In re Piasecki**, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner can satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art suggests the claimed subject matter. **In re Fine**, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the Appellants. **Oetiker**, 977 F.2d at 1445, 24 USPQ2d at 1444. **See also Piasecki**, 745 F.2d at 1472, 223 USPQ at 788.

An obviousness analysis commences with a review and consideration of all the pertinent evidence and arguments. "In reviewing the [E]xaminer's decision on appeal, the Board must necessarily weigh all of the evidence and argument." **Oetiker**, 977 F.2d at 1445, 24 USPQ2d at 1444. "[T]he Board must not only assure that the requisite findings are made, based on evidence of

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record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion." **In re Lee**, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002).

With respect to claims 1, 2, 5 through 11, Appellant argues at pages 4 through 7 of the Appeal Brief that the combination of Pitts and Gupta fails to teach that the web server issues a redirection message to the gateway server indicating the new location of another web server where the requested information can be found, and that the gateway server subsequently sends another request for the information to the web server and to the other web server at the new location without communicating the redirection message to the mobile station. Appellant reiterates these same arguments at pages 2 and 3 of the Reply Brief.

In order for us to decide the question of obviousness, "[t]he first inquiry must be into exactly what the claims define." **In re Wilder**, 429 F.2d 447, 450, 166 USPQ 545, 548 (CCPA 1970). "Analysis begins with a key legal question-- what is the invention claimed ?"..."Claim interpretation...will normally control the remainder of the decisional process." **Panduit Corp. v. Dennison Mfg.**, 810 F.2d 1561, 1567-68, 1 USPQ2d 1593, 1597 (Fed. Cir. 1987), **cert denied**, 481 U.S. 1052 (1987).

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We note that independent claim 1 reads in part as follows:

"(c) receiving a redirection message by the gateway server from the web server, the redirection message indicating a new location of the at least one of content and resource;

(d) creating and transmitting by the gateway server to one of the web server and another web server another request for the at least one of content and resource at the new location in response to the redirection message and without communicating the redirection message to the mobile station."

Appellant's specification indicates that the web server sends a redirection message to the gateway server with a new URL location, and the gateway server sends a new request to the new URL location to fetch the requested information, transparently to the mobile station. Particularly, at page 5, Appellant's specification states the following:

The processing of redirection messages by the gateway server is transparent to the mobile station so that the mobile station receives the requested content or resource without sending another request to a web server, even though the requested content or resource has been moved to a different location (at the same web server or another web server). When the requested content or resource has been successfully downloaded, the mobile station stores the new location in its history file.

Further, at page 9, Appellant's specification states the following:

Thus, a user, using an appropriate user agent, can access and retrieve contents and resources from a web server by simply specifying an appropriate URL. If, however, the user-specified URL for the requested content or resource has been moved to a new location, the web server 18 sends out a redirection message concerning the new location of the requested contents or resources. The new location may be referenced relative to a location specified in the original or a subsequent request, or may also be a complete URL containing a full path of the requested content or resource without referencing a location specified by a previous URL request.

Advantageously, the gateway server 18 is configured to send out new URL requests, on behalf of the MS 12, in response to the redirection message from the web server 18. Once the gateway server 16 receives the desired content or resource, the information is encoded and transmitted to the MS 12 together with the new location or the resource or content.

Thus, the claim does require that the web server issue a redirection message to the gateway server indicating the new location of another web server where the requested information can be found, and that the gateway server subsequently sends another request for the information to the web server and to the

other web server at the new location without communicating the redirection message to the mobile station.

Now, the question before us is what Pitts and Gupta would have taught to one of ordinary skill in the art? To answer this question, we find the following facts:

1. At column 10, line 56- column 11, line 2, Pitts states the following:

The other end of the NDC chain, the NDC client terminator site 24, is the NDC site that receives requests from the client workstation 42 to access data on the NDC server site 22.

Data being written to the hard disk 32 at the NDC server site 22 by the client workstation 42 flows in a "downstream" direction indicated by a downstream arrow 54. Data being loaded by the client workstation 42 from the hard disk 32 at the NDC server site 22 is pumped "upstream" through the NDC chain in the direction indicated by an upstream arrow 56 until it reaches the NDC client site 24. When data reaches the NDC client site 24, it together with metadata is reformatted into a reply message in accordance with the appropriate network protocol such as NFS, and sent back to the client workstation 42.

2. At column 11, lines 21-52, Pitts states the following:

3. The NDC core 106 in the NDC client site 24 receives the request and checks its NDC cache to determine if the requested data is already present there. If all data is present in the NDC cache of the

NDC client site 24, the NDC 50 will copy pointers to the data into a reply message structure and immediately respond to the calling NDC client intercept routine 102. 4. If all the requested data isn't present in the NDC cache of the NDC client site 24, then the NDC 50 will access any missing data elsewhere. If the NDC site 24 were a server terminator site, then the NDC 50 would access the filesystem for the hard disk 34 upon which the data would reside. 5. Since the NDC client site 24 is a client terminator site rather than a server terminator site, the NDC 50 must request the data it needs from the next downstream NDC site, i.e., intermediate NDC site 26B in the example depicted in FIG. 1. Under this circumstance, DTP client interface routines 108, illustrated in FIGS. 3 and 7, are invoked to request from the intermediate NDC site 26B whatever additional data the NDC client site 24 needs to respond to the current request. 6. A DTP server interface routine 104, illustrated in FIGS. 3 and 7, at the downstream intermediate NDC site 26B receives the request from the NDC 50 of the NDC client site 24 and processes it according to steps 3, 4, and 5 above. The preceding sequence repeats for each of the NDC sites 24, 26B, 26A and 22 in the NDC chain until the request reaches the server terminator, i.e., NDC server site 22 in the example depicted in FIG. 1, or until the request reaches an NDC site that has all the data that is being requested of it.

3. At column 12, lines 11-16, Pitts states the following:

The conversion between each native protocol and the DTP messages 52 must be so thorough that client workstations, such as the client workstation 42, are unable to distinguish any difference in operation between an NDC 50 functioning as a server to that workstation and that workstation's "native" server.

4. At column 12, lines 13-24, Gupta states the following:

If there is no valid session, the application server redirects the client's request to a login server at step 306. To redirect a request, the application server sends a redirect message (with the login server's URL) back to the client's browser. The redirect message may also include the application's URL, a cookie for the application, and a temporary identifier. When a browser receives a redirect message, the browser automatically sends a request to the specified URL (e.g., the login server's URL) without any interaction from the user along with any existing cookies (or tokens) for the specified URL.

5. At column 12, lines 41-49, Gupta states the following:

If the authentication is successful, a session for that particular user is created at step 312. A session service as described above may be utilized to create the session and return any session information back to the login server (or login service if utilized). Additionally, the temporary identifier may be stored if the authentication is successful. At step 314, the login server redirects the browser back to the application server along with the session information.

With the above discussion in mind, we find that the Pitts-Gupta combination does not teach the claimed invention. First, we find that Pitts' teaching is limited to a client workstation (42) that submits a request to a client terminator (24) to retrieve data from an NDC server site (22). In accordance with Pitts' teaching, the client's request is successively forwarded to each of the NDCs (24, 26B, 26A and 22) until the requested

data is located, transparently to the client, and the data is sent back to the client workstation via the same retrieval chain of NDCs. Next, we find that Gupta's teaching is limited to redirecting a user between a login server and an application server to ensure that the user is properly authenticated before being allowed to access the application server. One of ordinary skill in the art would have duly recognized that the combined teaching of Pitts and Gupta merely amounts to a distributed system, wherein a request for information submitted by an authenticated client is successively routed, transparently to the client, to each of the NDCs leading up to the main server until the requested information is located. The ordinary skilled artisan would have thus recognized that the combined teaching of Pitts and Gupta is not equivalent to a web server sending a message to a gateway indicating the new location of another web server where the requested information can be found. In consequence, we find error in the Examiner's position, stating that the combination of Pitts and Gupta teaches the claimed limitation whereby the web server issues a redirection message to the gateway server indicating the new location of another web server where the requested information can be found, and that the gateway server subsequently sends another request for the

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information to the web server and to the other web server at the new location without communicating the redirection message to the mobile station.

It is therefore our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would not have suggested to the ordinarily skilled artisan the invention as set forth in claims 1, 2 and 5 through 11. Accordingly, we will not sustain the Examiner's rejection of claims 1, 2 and 5 through 11.

II. Under 35 U.S.C. § 103, is the Rejection of Claims 3 and 12 as Being Unpatentable over the combination of Pitts, Gupta and Kalpio Proper?

With respect to claims 3 and 12, Appellant argues that Pitts and Gupta do not teach a web server that issues a redirection message to a gateway server indicating the new location of another web server where the requested information can be found, and that the gateway server subsequently sends another request for the information to the web server and to the other web server at the new location without communicating the redirection message to the mobile station. Appellant further argues that Kalpio does not cure these deficiencies.

We agree with Appellant that the combination of Pitts, Gupta and Kalpio does not render the cited claims obvious. As noted in the discussion of representative claim 1 above, we find that the combination of Pitts and Gupta does not disclose the claimed limitation of the web server issuing a redirection message to the gateway server indicating the new location of another web server where the requested information can be found, and that the gateway server subsequently sends another request for the information to the web server and to the other web server at the new location without communicating the redirection message to the mobile station. We find that the Kalpio reference does not cure these deficiencies either. The Kalpio reference is merely relied upon for its teaching of using a proxy between a client and a server bank having a header, which contains information.

It is therefore our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would not have suggested to the ordinarily skilled artisan the invention as set forth in claims 3 and 12. Accordingly, we will not sustain the Examiner's rejection of claims 3 and 12.

III. Under 35 U.S.C. § 103, is the Rejection of Claim 4 as Being Unpatentable over the combination of Pitts, Gupta and Martin Proper?

With respect to claim 4, Appellant argues that the combination of Pitts and Gupta does not teach a web server that issues a redirection message to a gateway server indicating the new location of another web server where the requested information can be found, and that the gateway server subsequently sends another request for the information to the web server and to the other web server at the new location without communicating the redirection message to the mobile station. Appellant further argues that Martin does not cure these deficiencies.

We agree with Appellant that the combination of Pitts, Gupta and Martin does not render the cited claims obvious. As noted in the discussion of representative claim 1 above, we find that the combination of Pitts and Gupta does not disclose the claimed limitation of the web server issuing a redirection message to the gateway server indicating the new location of another web server where the requested information can be found, and that the gateway server subsequently sends another request for the information to the web server and to the other web server at the new location without communicating the redirection message to the

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mobile station. We find that the Martin reference does not cure these deficiencies either. The Martin reference is merely relied upon for its teaching of using a wireless application protocol.

It is therefore our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would not have suggested to the ordinarily skilled artisan the invention as set forth in claim 4. Accordingly, we will not sustain the Examiner's rejection of claim 4.

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CONCLUSION

In view of the foregoing discussion, we have not sustained the Examiner's decision rejecting claims 1 through 12 under 35 U.S.C. § 103. Therefore, we reverse.

REVERSED

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